

IN RE: PETITION FOR VARIANCE  
SE/Corner Choptank and Edgewater  
Avenues  
(102 Choptank Avenue)  
15th Election District  
5th Councilmanic District  
  
William Nickerson, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-340-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance for that property known as 102 Choptank Avenue, located in the vicinity of Edgewater Avenue on North East Creek. The Petition was filed by the owners of the property, William and Geraldine Nickerson. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure to be located within the third of the lot closest to a street in lieu of the farthest third. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were William and Geraldine Nickerson, and their attorney, Leslie Pittler, Esquire. Appearing in opposition to the Petitioner's request were David Byskocil, nearby property owner.

Testimony and evidence offered revealed that the subject property is a waterfront lot, located on the north side of Choptank Avenue in Chesaco Park and abuts North East Creek. The property consists of .5468 acres, more or less, zoned D.R. 5.5, and is improved with a single family dwelling, and a detached accessory garage with an attached screen porch. Mr. Nickerson testified that they have resided on the subject property for

ORDER RECEIVED FOR FILING

Date

By

MICROFILM

21 years. He testified as to the unusual shape of the property and location of existing improvements. Mr. Nickerson testified that the garage and screen porch were built in 1986 in the location shown on the site plan, after obtaining a permit for same from Baltimore County. Testimony revealed that in August, 1996, the Petitioners received a letter from the Department of Permits and Development Management, Zoning Enforcement Division, advising them that a complaint from an adjoining property owner was received as to the location of their garage. Furthermore, an inspection of the property in response to the complaint revealed that the garage was in violation of the zoning regulations and that a variance was necessary in order to legitimize same.

Mr. Byskocil testified that he and the Petitioners stopped talking a long time ago. Mr. Byskocil candidly stated that he filed the complaint about the garage in retaliation against the Petitioners because they had initiated a complaint against him last year concerning a swimming pool he had erected on his property. Mr. Byskocil testified that since he was required to bring his property into compliance with the zoning regulations, so too should the Nickersons. Mr. Byskocil did not particularly object to the location of the garage, but felt that the Petitioners should be required to comply with the regulations just as he was required.

As noted within this opinion, the subject property is a waterfront lot located within the Chesapeake Bay Critical Areas. Therefore, compliance with the regulations governing development in those areas is necessary. However, since this garage has existed since prior to the effective date of Critical Areas legislation, and no expansion or intensification of its use is planned, the relief requested is not subject to those requirements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

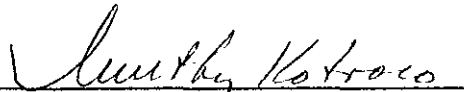
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. The Petitioners testified that they had obtained a building permit for the garage prior to its construction. Apparently, its intended location on the property was not a consideration at the time the building permit was issued. However, it is clear from the testimony that the garage has existed in its present location since 1986, and has not adversely affected any adjoining property owner in all that time. In my view, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

JADER RECEIVED FOR FILING  
Date 7/21/87  
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of April, 1997 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure to be located within the third of the lot closest to a street in lieu of the farthest third, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

RECEIVED  
4/21/97  
bjs



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

April 21, 1997

Leslie M. Pittler, Esquire  
29 W. Susquehanna Avenue, Suite 610  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SE/Corner Choptank and Edgewater Avenues  
(102 Choptank Avenue)  
15th Election District - 5th Councilmanic District  
William Nickerson, et ux - Petitioners  
Case No. 97-340-A

Dear Mr. & Mrs. Nickerson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. William Nickerson  
102 Choptank Avenue, Baltimore, Md. 21237

Mr. David Byskocil  
15 Choptank Avenue, Baltimore, Md. 21237

Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM  
People's Counsel; Case File

MICROFILMED



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 102 Choptank Avenue

**97-340-A**

which is presently zoned DR 5.5  
existing zoning

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

*400.1 to permit an  
necessary structure within the closest third of the lot removed from  
a street in lieu of the farthest third.*

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Uniqueness of the lot in question, previous permit by Baltimore County, practical difficulty - unable to relocate structure, reasons set forth in the affidavit.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

William Nickerson

(Type or Print Name)

Signature

*William Nickerson*  
Signature

Address

Geraldine Nickerson

(Type or Print Name)

City

State

Zipcode

*Geraldine Nickerson*  
Signature

Attorney for Petitioner

Leslie M. Pittler, Esquire

(Type or Print Name)

102 Choptank Avenue

Address

Phone No

Signature

Baltimore, MD 21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted

29 W. Susquehanna Avenue, #610

Address

Phone No

Towson, MD 21204

City

State

Zipcode

Name

Address

Phone No

(410) 823-4455

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this \_\_\_ day of \_\_\_\_\_, 19\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: mdk

DATE: 2/12/97

ESTIMATED POSTING DATE: 2/23/97



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 340

ORDER RECEIVED FOR PLAT  
4/12/97  
JBP

# Affidavit 97-340-A in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 102 Choptank Avenue  
address  
Baltimore, Maryland 21237  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See attached

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*William Nickerson*  
(signature)  
William Nickerson  
(type or print name)



*Geraldine Nickerson*  
(signature)  
Geraldine Nickerson  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of November, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

11/7/96  
date

*Peggy G. Baldwin*  
NOTARY PUBLIC

My Commission Expires: 3/27/00

AFFIDAVIT

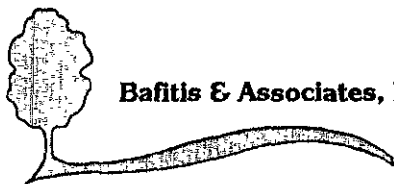
**97-340-A**

The structure that is the subject of the zoning violation in question was constructed in 1985 by Boyd Construction Company for approximately \$12,00.00. There was a building permit required and was granted by Baltimore County. It was the understanding of the Petitioners that all zoning requirements were met when the building permit was approved by Baltimore County. The Petitioner relied on the contractor to obtain all of the requisites necessary for the permits from Baltimore County. The house and swimming pool as shown on the plat were already on the site when the structure in question was built. The lot, due to North East Creek, which borders the property is irregular and creates a unique and odd shape which leaves only a small area to place the garage in question. The garage with screen room has now been on the site for eleven (11) years. It would be impossible to relocate the structure to any other part of the site due to the irregularity in the shape of the lot.

Furthermore, the majority of the lots in question in this area are not affected by North East Creek as is the subject site.

In conclusion, the lot is unique in nature, would cause the Petitioner severe hardship to have it removed, and cannot be moved due to the shape of the lot.

ORDER RECEIVED FOR FILING  
Date 4/2/09  
By [Signature]



Bafitis & Associates, Inc.

#340

ZONING DESCRIPTION  
FOR  
102 CHOPTANK AVENUE

97-340-A

BEGINNING at a point at the Southeast corner of Choptank Avenue, 25' wide, 245' ±


Sortheasterly from the intersection of the centerline of Edgewater Avenue, 40' wide, and the south side of Choptank Avenue, 40' wide, thence leaving said Choptank Avenue, 25' wide, now surveyed South 86°-00'-18" East 180.90' to a point, said point being the west shoreline of

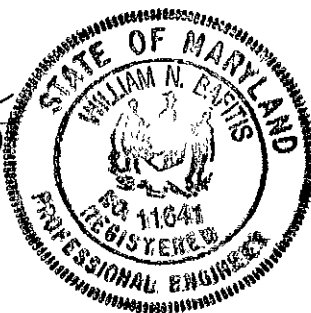
Northeast Creek, thence running along said shoreline the following four courses and distances:

- 1) South 43°-31'-31" East 40.30' to a point; thence
- 2) South 19°-39'-34" East 42.06' to a point; thence
- 3) South 84°-43'-44" East 43.35' to a point; thence
- 4) South 40°-14'-17" East 46.46' to a point;

thence leaving said shoreline and running with and binding on the northside of said Choptank Avenue, 25' wide; North 86°-00'-18" West 303.25' to a point; thence running with and binding on the eastside of said Choptank Avenue, 25' wide, North 03°-59'-42" East 100.00 to the point of beginning.

CONTAINING 23,800 Square Feet or 0.546 Ac. of land, more or less.

  
William N. Bafitis, P.E.  
Md. License No. 11641



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #97-340-A

102 Chopank Avenue  
SEC Chopank Avenue and  
Edgewater Avenue  
15th Election District  
5th Councilmark

Legal Owner(s):

William and Geraldine Nickerson

Variance: to permit an accessory structure within the closest third of the lot removed from a street to that of the farthest third.

Hearing: Tuesday, April 15, 1997 at 9:00 a.m. in the 4th Floor Hearing Room, County Courts Building, 401 Bosley Avenue, Towson, MD.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.  
(2) For information concerning the Fair Hearing, Please Call 887-3391.

3/16/92 March 13 C126324

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/13, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/13, 1997.

THE JEFFERSONIAN,

A. H. *Amick*  
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

032427

DATE 2/27/97 ACCOUNT R001-6150

AMOUNT \$ 40.00

RECEIVED FROM: DAVID C. VYSKOCIL

FOR: Request HENRIDS 97-340-A

MICRO

03A91#0132MICHRC \$40.00  
BA COLL#44AHD3-04-97

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

032524

DATE 2/12/97 ACCOUNT 01-615

By: WML  
Item: 340

AMOUNT \$ 50.00

RECEIVED FROM: Leslie Pittler - 102 Choptank Ave

FOR: 010 - Res Var. --- \$50.00

01A0000103MICHRC \$50.00  
BA COD#107FMD2-12-97

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

97-340-A

# CERTIFICATE OF POSTING

RE: Case No.: 97-340-A

Petitioner/Developer: William

Nickerson / Leslie Pittler, Esq.

Date of Hearing/Closing: March 10, 1997

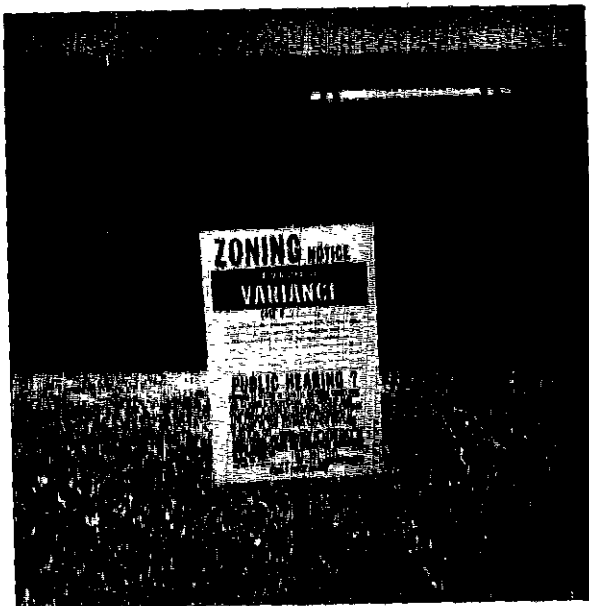
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 102 Choptank Ave,  
21237

The sign(s) were posted on February 18, 1997  
(Month, Day, Year)



Sincerely,

Joe H. [Signature]  
(Signature of Sign Poster and Date)

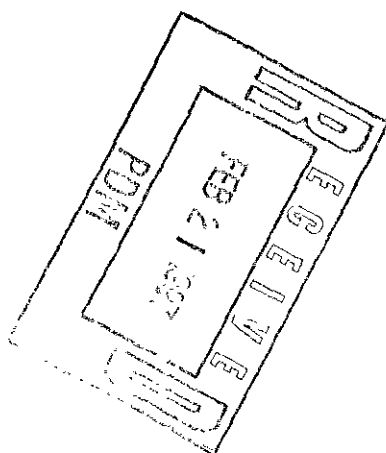
Joe W. Nickerson  
(Printed Name)

66 Towson Rd  
(Address)

Baltimore, MD 21237  
(City, State, Zip Code)

(410) 668-8376  
(Telephone Number)

Case # 97-340-A



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 2/23/97.

Format for Sign Printing, Black Letters on a White Background:

## ZONING NOTICE

### ADMINISTRATIVE VARIANCE

Case No.: 97-340

to permit an accessory structure within the  
closest third of the lot removed from a street in  
lieu of the farthest third.

## PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING  
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS  
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,  
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391**

**DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Ave  
Towson, Maryland 21204

# 340

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 340

Petitioner: William Nickerson

Location: 102 Choptank Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leslie M. Pittler, Esquire

ADDRESS: 29 W. Susquehanna Ave, #610  
Towson, MD 21204

PHONE NUMBER: (410) 823-4455

AJ:ggs

(Revised 09/24/96)

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY  
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

Leslie M. Pittler, Esq.  
29 W. Susquehanna Avenue, #610  
Towson, MD 21204  
823-4455

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-340-A  
102 Choptank Avenue  
SEC Choptank Avenue and Edgewater Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): William and Geraldine Nickerson

Variance to permit an accessory structure within the closest third of the lot removed from a street in lieu of the farthest third.

HEARING: TUESDAY, APRIL 15, 1997 at 9:00 a.m. in the 4th Floor Hearing Room, County Courts Building, 401 Bosley Avenue, Towson, MD.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 4, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-340-A  
102 Choptank Avenue  
SEC Choptank Avenue and Edgewater Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): William and Geraldine Nickerson

Variance to permit an accessory structure within the closest third of the lot removed from a street in lieu of the farthest third.

HEARING: TUESDAY, APRIL 15, 1997 at 9:00 a.m. in the 4th Floor Hearing Room, County Courts Building, 401 Bosley Avenue, Towson, MD.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: William and Geraldine Nickerson  
Leslie M. Pittler, Esq.  
David C. Vyskocil

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 31, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ABOUT YOUR ADMINISTRATIVE VARIANCE

COPY

CASE NUMBER: 97-340-A  
102 Choptank Avenue  
SEC Choptank Avenue and Edgewater Avenue  
15th Election District - 5th Councilmanic  
Legal Owner(s): William and Geraldine Nickerson  
Post by Date: 2/23/97  
Closing Date: 3/10/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

cc: William and Geraldine Nickerson



B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:        Arnold Jablon, Director  
           Department of Permits & Development  
           Management

Date:   March 3, 1997

FROM:     Robert W. Bowling, Chief  
           Development Plans Review Division

~~RECEIVED~~ 10 11 1997 10 11 1997

SUBJECT:   Zoning Advisory Committee Meeting  
           for March 3, 1997  
           Item No. 340

The Development Plans Review Division has reviewed the subject zoning item. Choptank Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

RWB:HJO:jrb

cc:   File

ZONE51B



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 2-21-97  
Item No. 340 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: February 27, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 321, 335, 338, 340, 341, and 343

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4880

DATE: 03/04/97

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW  
Location: DISTRIBUTION MEETING OF February 24, 1997  
Item No.: SEE BELOW                      Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

Item Number: 337 Owner: Helen E. Schaeffer

Item Number: 338 Owner: Stanley J. Hanna & Charlotte C. Hanna

Item Number: 339 Owner: Edward F. Stanfield, Partner & Richard  
R. Stanfield, Partner

Item Number: 340 Owner: William Nickerson & Geraldine Nickerson

Item Number: 341 Owner: Jon A. Eshelman & Sandy Sperl-Eshelman

Item Number: 342 Owner: Glenn S. Kuntzman & Robert D. Kuntzman

Item Number: 343 Owner: Mark F. Roush & Wanda F. Roush

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



# PETITION PROBLEMS

## **#336 --- CAM**

1. No review information on bottom of variance petition.
2. Sign form incomplete.

## **#337 --- JCM**

1. Need authorization for person signing for legal owner.
2. Need printed name of person signing for contract purchaser.
3. Sign form incomplete.

## **#338 --- RT**

1. No section number or request wording on petition form.

## **#339 --- MJK**

1. Sign form incomplete.

## **#340 --- MJK**

1. No telephone number for legal owner.
2. Notary section is incomplete.

## **#341 --- JRF**

1. Notary section is incomplete - doesn't have notary seal, among other things.

## **#342 --- JCM**

1. Sign form incomplete.

## **#343 --- JRF**

1. Sign form incomplete.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 28, 1997

William and Geraldine Nickerson  
102 Choptank Avenue  
Baltimore, Maryland 21237

Re: CASE NUMBER: 97-340-A  
102 Choptank Avenue  
SEC Choptank Avenue and Edgewater Avenue  
15th Election District - 5th Councilmanic

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As informed at the time of filing your petition, it now becomes necessary to run notice of the hearing in a newspaper of general circulation. This office will place the newspaper advertising on your behalf. Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

A copy of the Notice of Hearing will be forwarded to you shortly. Upon receipt of same, you must contact one of the sign posting vendors, in order to have the property reposted.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON, DIRECTOR

cc: Leslie M. Pittler, Esq.

AJ:ggs



\_\_\_\_\_ Attach original petition

Due Date 3/3/97

To: Arnold L. Jablon

From: Robert A. Wirth *RAW/jp*

Subject: Zoning Item # 340

Edrich Manor

Zoning Advisory Committee Meeting of 2/21/97

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

\_\_\_\_\_ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X\_\_\_\_\_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X\_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

X\_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X\_\_\_\_\_ Other: For environmental protection reasons, DEPRM supports the variance request to reduce the rear yard setbacks from 50' to a minimum of 35'. Relaxing these setbacks should allow for maximum protection of H2O quality by preserving the current Forest Buffer Easement limits, should still provide for a rear yard and should not impact adjacent residences due to the expansive resource protection areas.

c: Edward F. and Richard R. Stanfield

\_\_\_\_\_ Attach original petition Due Date 3/3/97  
To: Arnold L. Jablon  
From: Robert A. Wirth *RAW/gp*  
Subject: Zoning Item # 340  
Nickerson 102 Choptank Avenue  
Zoning Advisory Committee Meeting of 2/24/97

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

\_\_\_\_\_ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X\_\_\_\_\_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

\_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

X\_\_\_\_\_ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

c: William & Geraldine Nickerson

RECEIVED  
MARCH 3 1997



Baltimore County  
Department of Permits and  
Development Management

Code Inspections and  
Enforcement  
County Office Building  
111 Chesapeake Avenue  
Towson, Maryland 21204

August 20, 1996

Mr. & Mrs. William Nickerson  
102 Choptank Avenue  
Baltimore, Maryland 21237

Re: Case No. 97-177  
102 Choptank Avenue  
15th Election District

Dear Mr. & Mrs. Nickerson:

Pursuant to a complaint filed with this office, I have been assigned to investigate allegations of violations of the Baltimore County Code at the above-referenced address.

An inspection conducted July 16, 1996, showed waterfront property improved by a dwelling and accessory structures. All accessory structures were in the same location in relation to the house.

Based on the criteria this office applies to waterfront locations, I conclude all accessory structures are located in the rear yard. It is clear that the "foot print" of the garage/breezeway exceeds the "foot print" of the house and the square footage of land occupied by the garage/breezeway is 1/2 the square footage of land occupied by the house. It is also noted that these accessory structures are not completely located in the rear of the lot furthest removed from the street on your corner lot.

Sections 101 and 400 of the Baltimore County Zoning Regulations (enclosed) demand both for you to have these amenities as a right of ownership. Otherwise, a public hearing needs to be held. The office records reflect no public hearing.

Therefore, within 30 days of the date of this letter, you must have an appointment to review your paperwork for a public hearing. Call Zoning Review at 887-3391 for details on that process. Failure to do so may result in further legal action on the part of Code Inspections and Enforcement.

I can be reached at 887-4032.

Sincerely,

*Derek J. Propolis*  
Derek J. Propolis  
Code Inspections & Enforcement

Room  
111

GJP/lmh

David C. Vyskocil  
15 Choptank ave.  
Baltimore, MD 21237

February 27, 1997

To: Baltimore County Zoning Review

In reference to Case No. 97340 A at  
the address of : Mr. and Mrs. Nickerson  
102 Choptank ave.  
Baltimore, MD 21237

We object and would like a hearing.  
Enclosed is a check for \$40.00 for filing fee.

P.S. Other Case Numbers

August 20, 1996

Case No. 97-777

October 18, 1996

Citation No. 97-220

December 20, 1996

Civil Case No. 0804-SP04635-96

Thank You.

David C. Vyskocil

# BOYD CONSTRUCTION

9808 Foxhill Road  
PERRYHALL, MARYLAND 21128  
Phone 256-2337

679-6754

Lic. #2888

PROPOSAL SUBMITTED TO WILLIAM P. NICKERSON & GERALDINE		PHONE 391-4252	DATE 12/17/85
STREET 102 CHOPTANK AVE.		JOB NAME ROSEDALE	
CITY, STATE AND ZIP CODE BALTIMORE, MD. 21237		JOB LOCATION same	
ARCHITECT none	DATE OF PLANS --	JOB PHONE	

We hereby submit specifications and estimates for: Two car garage and screened-in room

## GARAGE

Size - 24' x 24'  
Footings - 30" below finish grade  
Footings - 8" x 16" poured concrete  
Foundation - 8" concrete block ( 4 rows )  
Walls - 2 x 4 with 16" centers ... 8' high  
Plates - ( 3 ) 2 x 4  
Anchor bolts - 6' on center with 1/2" x 12" anchor bolts  
Wall sheathing - 1/2" plywood corners with 1/2" insulation board on remainder  
Roof - 2 x 4 truss with 24" centers  
Roof Sheathing - 1/2" plywood  
Felt - 15 lb.  
Shingles - 240 seal-down  
Siding - Vinyl 8" white  
Spout - white aluminum gutter and downspouts  
Doors - 1- 32" metal .... 1 - 16' x 8' wood  
Floor - 4" concrete over fill  
Interior walls and ceiling unfinished  
Painting - not included      Insulation - not included

## SCREEN ROOM

Size - 14' x 24'	Sheathing - 1/2" plywood	Door - 32" wood screen
Floor - 4" concrete over fill	Felt - 15 lb.	Ceiling - unfinished
Walls - 4 x 4" walmanized post 4' on center		Painting - not included
Band - 2 - 2 x 6"	Shingles - 240 seal-down	Wiring - not included
Roof - 2 x 8 with 16" centers	Gable - vinyl to match garage	

Any requested additional items will be an extra charge.

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Twelve thousand, dollars -----00/100 dollars (\$ 12,000.00 ).

Payment to be made as follows:

Deposit before start of work, two thousand dollars (\$2,000.00). First payment of four thousand dollars (\$4,000.00) when garage is framed up to square. Second payment when roof is complete and shingles applied, (\$3,000.00). Third payment when floors are poured and doors are installed, \$1,500.00. Remaining \$1,500.00 immediately at completion.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

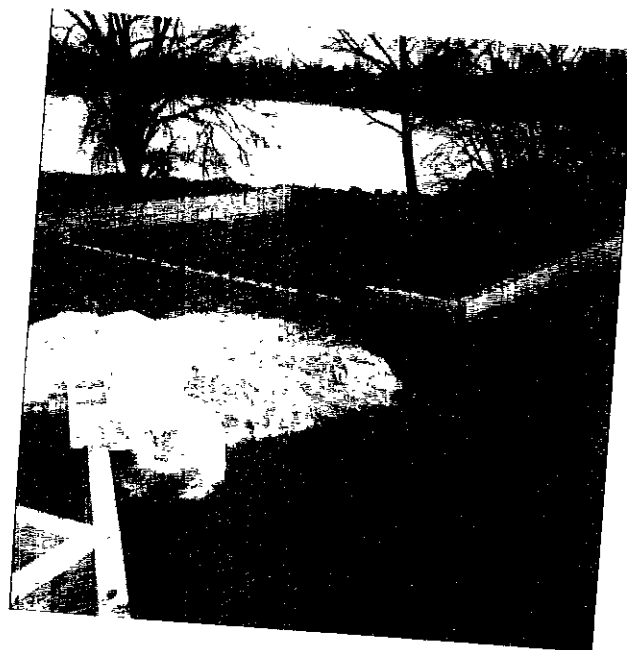
Date of Acceptance: 12-19-85

Signature

Signature









Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 31, 1997

Leslie M. Pittler, Esquire  
29 W. Susquehanna Avenue, Suite 610  
Towson, MD 21204

RE: Item No.: 340  
Case No.: 97-340-A  
Petitioner: William Nickerson, et ux

Dear Mr. Pittler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 12, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that partially obscures the signature.

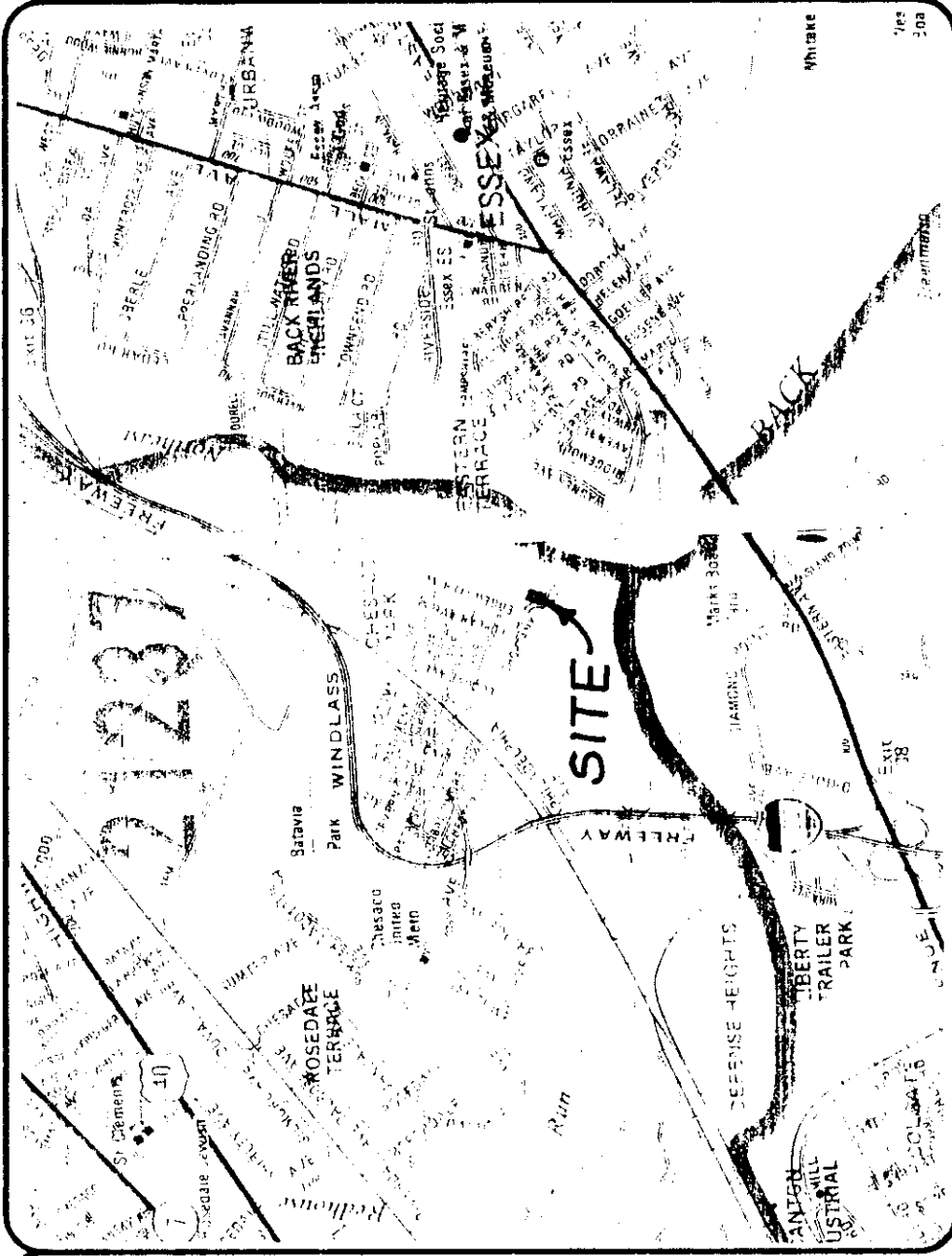
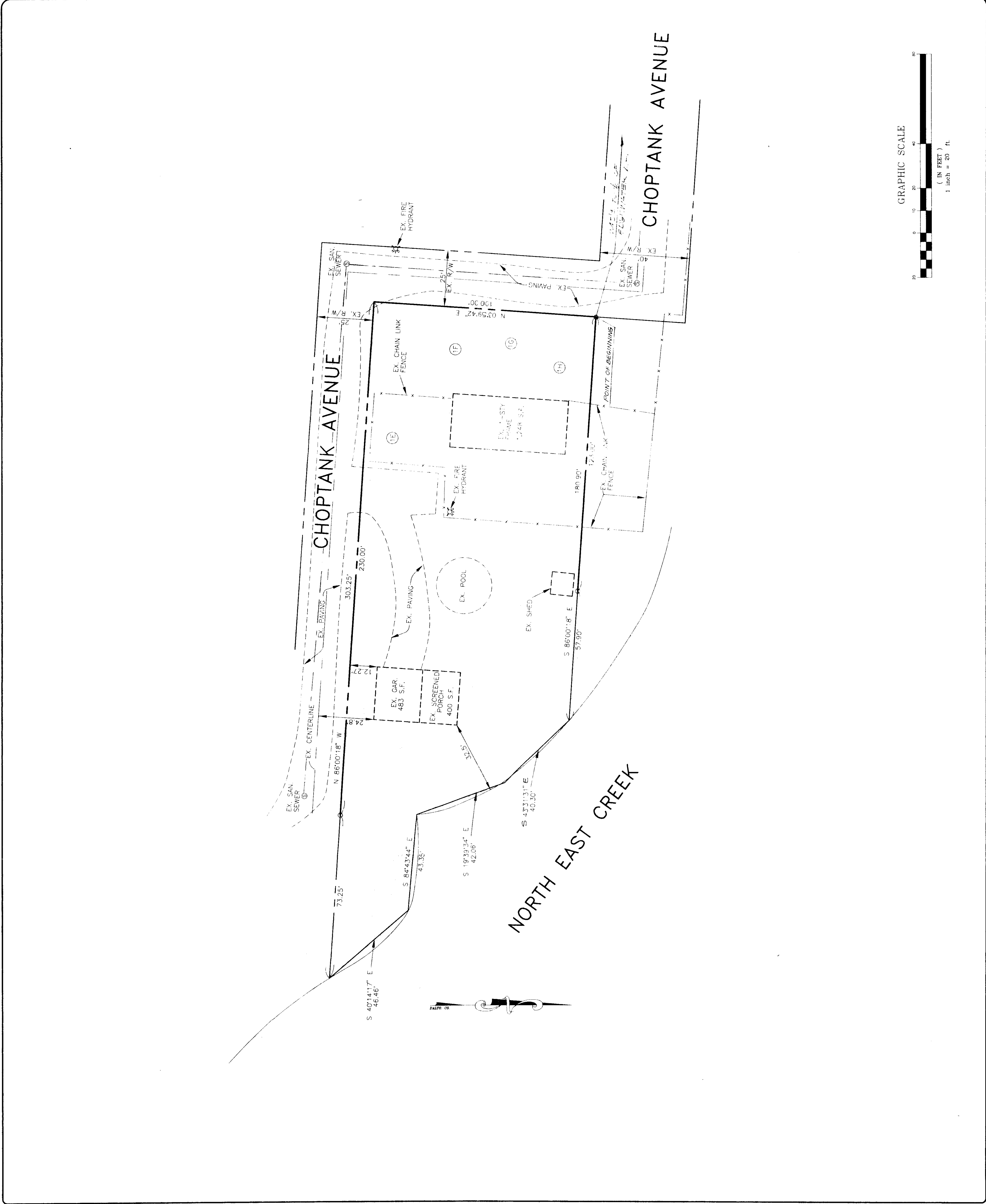
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



photographs

Case 97-340-A



## VINCINTY MAP

( SCALE: 1" = 1000' )

### GENERAL NOTES:

1. OWNER: WILLIAM NICKERSON AND GERALDINE NICKERSON
2. DEED REF: LIBER 5485 FOLIO 694
3. PLAT REF: CHESAPEAKE PARK PLAN D LOTS 1E, 1F, 1G AND 1H BOOK 06 FOLIO 164
4. ACRES: 23.800 S.F. OR 0.546 AC.
5. EXISTING ZONING D.R. 5.5
6. ELECTION DISTRICT 15TH
7. EXISTING UTILITIES IN CHOPTANK AVENUE

# 97.340-A



William N. Baftis, P.E.

Civil Engineers/Land Planners  
SURVEYORS

1249 Engleberth Rd. Baltimore, MD 21221 (410) 391-2336

SITE PLAN TO  
ACCOMPANY PETITION FOR  
VARIANCE AT  
NICKERSON PROPERTY  
102 CHOPTANK AVENUE

BALTIMORE COUNTY, MARYLAND #2410

SCALE:

1" = 20'

JOB ORDER NO:

96030

DATE:

01-30-97

## S-1

WILLIAM N. BAFTIS, P.E.

SHEET 1 OF 1

NO. REVISIONS DATE

GRAPHIC SCALE



( IN FEET )

1 inch = 20 ft.